charge proved. The same observations applied, I think, to a charge under section 58 of the Road Traffic Ordinance.

In the present case the learned Magistrate was of the opinion that the appellant in passing the trishaw with so little room to spare, while at the same time another vehicle was dangerously close to him on his right, was not exercising the degree of a care which a prudent driver would exercise in the circumstances. In this connection I think there is no reason to hold there was negligence on the part of the trishaw puller, even if he did veer outwards, as there is no suggestion he crossed or attempted to cross the border of the lane in which he was travelling. It is also obvious that the right course for the appellant would have been to pull up, though it is only fair to qualify this remark by saying that it does not appear to be clear from the evidence whether the appellant had already commenced to overtake the trishaw when he first became aware the second omnibus was proceeding to overtake him. But even if he was aware of this is his failure to follow the prudent course in a moment of crisis suddenly thrust upon him by the second omnibus to be regarded as conduct deserving of punishment? I consider it is an unjustfiably severe view of the appellant's lapse to hold that it amounted to criminal negligence. In conclusion since *Simpson v. Peat*[1] has been cited in connection with this appeal I would mention the negligence of the defendant in that case to my mind was plainly more culpable than that of the present appellant. There is a well recognised obligation on a driver not to turn right in front of oncoming traffic unless he can do so without risk. Putting the matter briefly it is up to him to see that he can turn right in such circumstances without causing danger. In attempting to pass the trishaw, on the other hand, the present appellant was not disregarding any established rule of the road.

For these reasons I would allow this appeal. The conviction and sentence are set aside.

Appeal allowed.

NOOR MOHAMED YOUSOFF
v.
TEO KAI TEE & ANOR.

[O. C. J. (Murray-Aynsley, C.J.) September 10, 1953]

[Singapore — Suit No. 776 of 1952]

Limitation Ordinance — Effect of amendment on right of action already barred — Interpretation and General Clauses Ordinance, 1951, s. 14 — Retrospective operation of statutes — Amendment not a repeal.

The plaintiff's claim is for damages for injury caused by the negligence of the 2nd defendant as a servant or agent of the 1st defendant in a motor accident which occurred on 9th February 1952. Originally the writ of summons was taken out against the 1st defendant only but subsequently on 10th April 1953 the 2nd defendant was joined as a defendant.

By an amendment to the Limitation Ordinance on 17th March 1953 the period of limitation for compensation for injury to the person was extended from one to three years (Ordinance No. 9 of 1953).

In an issue tried that the plaintiff's right of action against the 2nd defendant was barred by the Limitation Ordinance as it was in force on the 10th February 1953,—

Held: in order to bring section 14 of the Interpretation and General Clauses Ordinance, 1951 into operation there must be a repeal. A mere amendment cannot be treated as a partial repeal.

ACTION FOR DAMAGES.

Syed Esa Almenoar for the plaintiff.

George J. Okell for the defendant.

Murray-Aynsley, C.J. : — This issue raised a short point of law.

The cause of action arose on February 9, 1952. Proceedings as against the 2nd defendant were begun on April 10, 1953. Previous to February 22, 1953 the period of limitation for this claim would have been one year. By an amendment to the Limitation Ordinance on the latter date the period of limitation was extended to 3 years. Therefore, from February 10, 1953 until March 22, 1953 if proceedings had been taken the 2nd defendant could have successfully raised a plea of limitation. The question before me is as to the effect of this amendment to the Limitation Ordinance.

If this were to be applied literally the relevant period would be governed by the state of the law at the time when proceedings were begun. I do not think that in these days, unless there is ambiguity, it is possible to rely on any supposed presumption against retrospective operation of statutes or on any difference between the effect of legislation on substantive and adjectival law. The prevailing mode is in favour of extremely literal interpretation of statutes. In view of the great care with which statutes are now drafted, which contrasts very much with the way statutes have been drafted in the past, it appears to me that this is the only attitude that Courts can adopt. In view of this I think the plaintiff is entitled to succeed unless the Interpretation Ordinance (No. 4 of 1951) affects the situation. Section 14 was relied on by counsel for the 2nd defendant. It is possible that the words of this section cover the situation of the 2nd defendant after February 9, 1953, but in order to bring the section into operation there must be a repeal. I cannot find a case in which a mere amendment has been treated as a partial repeal — so as to bring into play the corresponding English section.

In the circumstances I must find for the plaintiff on the motion. Plaintiff's costs in any event.

Judgment for the plaintiff.